

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JAN 07 2013

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

NAN CAGLE,

Plaintiff,

v.

GC SERVICES, LP,

Defendant.

PLAINTIFF'S COMPLAINT

3:13-cv-00001

Plaintiff, NAN CAGLE ("Plaintiff"), through her attorneys, FERRIS WINDER, PLLC, alleges the following against Defendant, GC SERVICES, LP ("Defendant"):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the state of Virginia, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person residing in Fork Union, Fluvanna County, Virginia.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. § 1692a(3), and according to

Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. § 1692a(5).

7. Defendant is a debt collector as that term is defined by 15 U.S.C. § 1692a(6) and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency with a place of business in Huston, Texas.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

#### **FACTUAL ALLEGATIONS**

10. Defendant is attempting to collect a debt from Plaintiff on behalf of the original creditor.
11. Plaintiff's alleged debt owed arises from transactions for personal, family, and household purposes.
12. In or around August of 2012, Defendant began placing calls to Plaintiff's cell phone (804-314-91xx) in an attempt to collect an alleged debt.
13. Defendant left messages for Plaintiff asking her to return the call to 314-851-4336, a number belonging to Defendant.
14. Defendant left a voicemail message for Plaintiff, in an attempt to collect a debt that failed to state that the communication was from a debt collector. *See* Defendant's transcribed voicemail message attached as Exhibit A.
15. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- b. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- c. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, NAN CAGLE, respectfully requests judgment be entered against Defendant, GC SERVICES, LP, for the following:

17. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k
19. Any other relief that this Honorable Court deems appropriate.

Dated: ~~December 11, 2012~~

January 4, 2013

RESPECTFULLY SUBMITTED,

By: \_\_\_\_\_

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